

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM E. HAWKINS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-278-GPM
)	
D R U G E N F O R C E M E N T)	
ADMINISTRATION, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on Plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Doc. 80). The Court finds that Plaintiff is indigent. Furthermore, the Court is unable to certify that this appeal is not taken in good faith. *See* 28 U.S.C. § 1915 (a)(3). Therefore, the instant motion is **GRANTED**.

IT IS HEREBY ORDERED that Plaintiff shall pay the appellate filing fee of **\$455.00** as follows:

1. Plaintiff shall pay an initial partial filing fee of **\$28.23**. *See* 28 U.S.C. § 1915(b)(1). The agency having custody of Plaintiff is **DIRECTED** to transmit this amount from Plaintiff's prison trust fund account to the Clerk of Court upon receipt of this Memorandum and Order.
2. Plaintiff shall make monthly payments of 20% of the preceding month's income credited to Plaintiff's prison trust fund account until the filing fee is paid in full.
3. The agency having custody of Plaintiff shall forward payments from Plaintiff's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the filing fee is paid in full. Payments shall be mailed to: Clerk of the

Court, United States District Court for the Southern District of Illinois, P.O. Box 249, East St. Louis, Illinois 62202.

To enable the Bureau of Prisons to remit these payments to the Clerk of Court as required by 28 U.S.C. § 1915, **IT IS FURTHER ORDERED** that Plaintiff shall complete, sign, and return one “Consent Form – *In Forma Pauperis* Proceedings” to the Clerk of this Court in the envelope provided, within **FIFTEEN (15) DAYS** of the date of entry of this Memorandum and Order. The Clerk is **DIRECTED** to provide two copies of the appropriate form to Plaintiff with his copy of this Order, along with a pre-addressed return envelope. Plaintiff’s failure to provide the Bureau of Prisons with this authorization will be considered a failure to comply with an order of this Court. However, Plaintiff still will be liable for the full filing fee for this action.

Plaintiff is **ADVISED** that he is responsible for ensuring payment of the filing fees directed by this Order, and he should ensure that the agency having custody of him transmits the necessary funds. **Plaintiff is FURTHER ADVISED that nonpayment for any reason other than destitution shall be construed as a voluntary relinquishment of the right to file future suits *in forma pauperis*. *Thurman v. Gramley*, 97 F.3d 185, 187 (7th Cir. 1996).**

Plaintiff is **FURTHER ADVISED** that the obligation to ensure full payment of the filing fees imposed by this Order shall not be relieved by his transfer to another prison. Plaintiff is under a continuing obligation to keep the Clerk of this Court informed of any change in his whereabouts. This shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to Plaintiff *upon entry of this Memorandum and Order* and to the Warden at FCI-Forrest City, *with an executed copy of the*

consent form, upon receipt of Plaintiff's signed consent form.

IT IS SO ORDERED.

DATED: 02/20/09

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge